

STATE OF ALABAMA  
FRANKLIN COUNTY

CITY OF RED BAY

MINUTES OF AN ORGANIZATION AND REGULAR MEETING  
OF THE CITY COUNCIL  
OCTOBER 4, 2004

The City Council of Red Bay met in an Organizational and Regular Meeting, October 4, 2004 at 7:00 p.m.

Present and presiding was Mayor Tommy G. Nelson and Council Members were Peggy Cox, Johnny Cleveland, Jimmy Mayfield, Lowell Gober, and Eucellis Underwood.

Shirley J. Cody was present and recording.

A prayer reading by Mayor Tommy G. Nelson that was sent by him by a former classmate, Jean Gassaway.

Jimmy Mayfield led the Allegiance to the Flag.

The contract between the City of Red Bay, Community Spirit Bank, and Triple H has been closed by Burt Hankins, HANKINS ENGINEERING. Jimmy Mayfield made a motion for Community Spirit Bank to finance a loan amount of \$817,659.10 which includes \$27,092.00 additional money to complete this project. The Mayor and City Clerk are authorized to execute the documents. The motion was seconded by Eucellis Underwood. All voted for except Peggy Cox, she abstained.

Johnny Cleveland made a motion to donate \$250.00 to Red Bay High School Band Booster Club, Joel Barron, who has been chosen to represent the band in the Capital One Bowl in Orlando, Fl., seconded by Jimmy Mayfield. Unanimously passed.

Johnny Cleveland made a motion to accept the Solid Waste Management Plan by Burt Hankins, seconded by Lowell Gober and unanimously passed.

Jimmy Mayfield made a motion to pay due bills, seconded by Lowell Gober. All voted for except on Trio Sales, Eucellis Underwood abstained.

Peggy Cox made a motion to approve previous minutes, September 20, 2004, seconded by Johnny Cleveland. Unanimously passed.

Eucellis Underwood made a motion to adjourn, seconded by Lowell Gober. Unanimously passed.

RECESS FOR TWENTY MINUTES.

Tracie Bolding, City Secretary, was present and recording.

Mayor Tommy Nelson ask Probate Judge Mike Green to administer the Oath of Office to each Council member: Bobby Nelson, Place 1, Rayford Seahorn, Place 2, Pat Hammock, Place 3, Ann Wilkins, Place 4, and Jeff Reid, Place 5. Also, Probate Judge, Mike Green Administered the Oath of Office to Mayor Tommy G. Nelson as his wife, Wanda, held the Bible.

Mayor Nelson introduced the new Council.

The invocation was given by brother Lowell Baggett, Pastor of Community Center Baptist Church. The Pledge of Allegiance was led by Brooke Scott, Step-Daughter of Mayor Tommy Nelson.

Mayor Nelson asked the new Council if they would like to speak. A statement was made by each one.

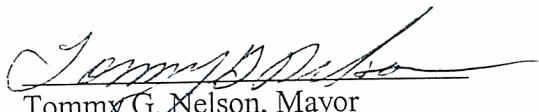
Mayor Nelson read Ordinance Number 04-10-04, Order of Procedure of Meetings of the Council, in its entirety. Bobby Nelson made a motion to pass the Ordinance, seconded by Jeff Reid. Unanimously passed.

The meeting was called to order by Mayor Tommy G. Nelson at 7:30 p.m. to continue with the Regular Meeting.

The Mayor opened the floor for nominations for Mayor Pro-Tem. Rayford Seahorn made a motion to appoint, Jeff Reid as Mayor Pro-Tem, seconded by Ann Wilkins. Mayor Nelson, Rayford Seahorn, Ann Wilkins, Bobby Nelson an Pat Hammock voted FOR. Jeff Reid ABSTAINED. Motion passed.

Mayor Nelson asked for nominations for position of City Clerk. Jeff Reid made a motion to nominate Shirley J. Cody. Bobby Nelson asked the nomination to be closed, seconded by Rayford Seahorn. Unanimous consent for nomination to cease.

Jeff Reid made a motion to hire Shirley J. Cody as City Clerk for the City of Red Bay, seconded by Ann Wilkins, Unanimously passed.

  
Tommy G. Nelson, Mayor

  
Tracie Bolding, City Secretary

Shirley J. Cody, appointed City Clerk, recording the following minutes.

Mayor Nelson asked for nomination for Chief of Police. Jeff Reid nominated Eddie Chandler as acting chief. No other nomination was made. Rayford Seahorn made a motion to close the nomination, seconded by Ann Wilkins. Jeff Reid made a motion to appoint Eddie Chandler, Acting Chief of Police, seconded by Rayford Seahorn. Unanimously passed. Applications will be taken for Chief of Police for three weeks ending October 29, 2004 at 4:00 p.m.

Mayor Nelson asked for nomination for Fire Chief. Raymond Seahorn nominated Bud Strickland. No other nomination was made. Jeff Reid made a motion to close the nomination, seconded by Pat Hammock. Rayford Seahorn made a motion to appoint Bud Strickland as Fire Chief, seconded by Ann Wilkins. Unanimously passed.

Persons authorized to sign checks: Mayor Tommy G. Nelson  
Shirley J. Cody  
Tracie Bolding  
Cindy Green  
Jeff Reid

Bobby Nelson made a motion for the above names be given authority to sign checks, seconded by Rayford Seahorn. Voting for was Bobby Nelson and Rayford Seahorn. Jeff Reid abstained. Pat Hammock and Ann Wilkins did not vote. Since there was a tie, Mayor Nelson voted for. Each check must have two signatures.

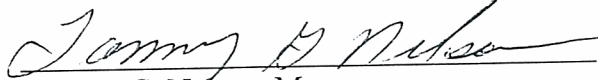
Mayor Nelson appointed Jeff Bowling as City Attorney.

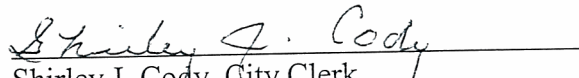
Mayor Nelson appointed Dicky Sparks as City Auditor.

Bobby Nelson, Place #1, read a letter to decrease his salary from \$500.00 to \$300.00 monthly. Since the salary was set by previous administration, City Attorney Jeff Bowling will check with the League of Municipalities on this matter in order to handle it properly.

The council members over the various departments were: Rayford Seahorn - City Hall  
Bobby Nelson - Fire Dept.  
- Police Dept.  
- Street Dept.  
- Park/Recreation

Bobby Nelson made a motion to adjourn, seconded by Rayford Seahorn. Voting for adjournment was Bobby Nelson and Rayford Seahorn. Ann Wilkins asked if she could say something. The answer was no, you can not talk about a person. You have to be on the agenda. The votes were not taken again.

  
Tommy G. Nelson, Mayor

  
Shirley J. Cody, City Clerk

ORDINANCE #04-10-04  
ORDER OF PROCEDURES OF MEETING OF THE  
CITY COUNCIL FOR 2004-2008 ADMINISTRATION

BE IT ORDAINED BY THE COUNCIL OF RED BAY, ALABAMA, that the order of procedure in all instances for meetings of the Council shall be as follows:

SECTION 1. That the rules or order of procedure contained shall govern deliberations and meetings of the Council of Red Bay, Alabama.

SECTION 2. Regular Meetings of the Council shall be held on the following dates:  
The first and third Monday of each month.

SECTION 3. Special Meetings may be held at the call of the Mayor by serving notice to each member of the Council not less than twenty-four hours before the time set for such Special Called Meetings; or Special Meetings may be held as provided by Section 430, Title 37, of the Alabama Code of 1940, whenever two Aldermen or the Mayor requests in writing that the Meeting be called; upon the failure of refusal of the Mayor to call such Meeting when requested, the two Aldermen making the request shall have the right to call such meeting.

SECTION 4. A quorum shall be determined as provided by Section 429, Title 37, of the Alabama Code of 1940.

SECTION 5. All Regular Meetings shall convene at 7:00 o'clock at the City Hall and all Meetings, Regular and Special, shall be open to the public.

SECTION 6. The order of business shall be as follows:

1. A Call to Order
2. Persons to Address Council
3. Report of Officers
4. Hearing on Petitions, Applications, Complaints, Appeals, Communications, etc
5. Resolutions, Ordinances, and Orders
6. Reports of Standing Committees
7. Reports of Special Committees
8. Auditing Accounts
9. Old Business
10. New Business
11. Approval of Expenses
12. Approval of Corrections of the Minutes
13. Each Councilmen's Presentation of Business



SECTION 7. No member shall speak more than twice on the same subject without permission of the presiding officer.

SECTION 8. No person, not a member of the Council, shall be allowed to address the Governing Body while in session without first contacting the City Clerk by Friday at 12:00 noon in advance of the Meeting to be placed on the agenda stating the business he wants to discuss at said Meeting.

SECTION 9. Every officer, whose duty it is to report at the Regular Meeting of the Council, shall if found in default, be fined at the discretion of the Council.

SECTION 10. All votes shall be recorded in the Minutes as if voting "for", voting "against", or "abstained".

SECTION 11. All questions of order shall be decided by the presiding officer of the Council with the right to appeal to the Council by any member.

SECTION 12. The presiding officer of the Council, may at his discretion, call any member to take the chair, to allow him to address the Council, make a motion to discuss any other matter at issue.

SECTION 13. Motion to put any matter before the Council should be in the order of the largest sum first.

SECTION 14. All meetings of the Council shall be public.

SECTION 15. A motion for adjournment shall always be in order.

SECTION 16. The rules of the Council may be altered, amended, or temporarily suspended by a vote of two-thirds of the members present.

SECTION 17. The chairman of each respective committee, or the Councilman acting for him in his place, shall submit or make all reports to the Council when so requested by presiding officer or any member of the Council.

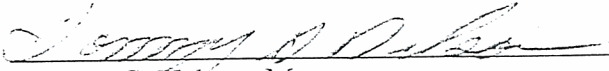
SECTION 18. No Ordinance or Resolution of a permanent nature shall be adopted at the Meeting at which it is introduced unless unanimous consent be obtained for the immediate consideration of such Ordinance or Resolution: such consent shall be by roll call and the vote thereon spread on the Minutes.

SECTION 19. All Ordinances or Resolutions submitted to the Council which require the expenditure of money shall lie over until the next Regular Meeting; provided that such Ordinances or Resolutions may be considered earlier by unanimous consent of the Council; and provided further, that this rule shall not apply to the current expense of, or contracts previously made with, or regular salaries of officers of, or wages of employees of the City.

SECTION 20. The Clerk, Street Department Supervisor, Attorney and Chief of Police, and such other officers or employees of the City of Red Bay shall, when requested, attend all Meetings of the Council and shall remain in the Council room for such length of time as the Council may direct.

SECTION 21. This Ordinance shall go into effect upon the passage and approval of the same, October 4, 2004.


APPROVED THIS 4TH DAY OF OCTOBER, 2004.

  
Tommy G. Nelson, Mayor

  
Bobby Nelson, Council Member #1

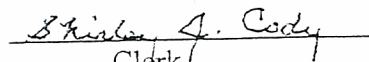
  
Rayford Seahorn, Council Member #2

  
Pat Hammock, Council Member #3

  
Ann Milam Wilkins, Council Member #4

  
Jeff Reid, Council Member #5

Passed and Approved this the 4th day of October, 2004.

  
Clerk



# Oath of Office

I, Tommy Nelson, solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability. So help me God.

Tommy Nelson  
Signature

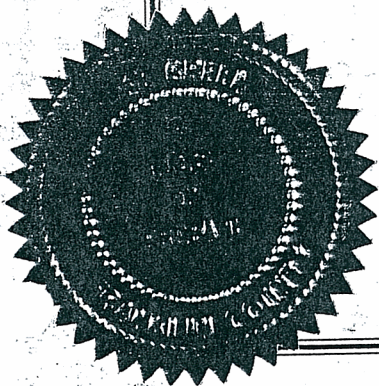
\_\_\_\_\_  
Mayor  
Office

## Certification of Administering Officer

The above Oath of Office was subscribed and sworn to before me this 4th day of October, 20 04.

Mike Green  
Signature of Administering Officer

\_\_\_\_\_  
Probate Judge  
Title



# Oath of Office

I, Bobby Nelson, solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability. So help me God.

Bobby Nelson

Signature

City Council Place 1

Office

## Certification of Administering Officer

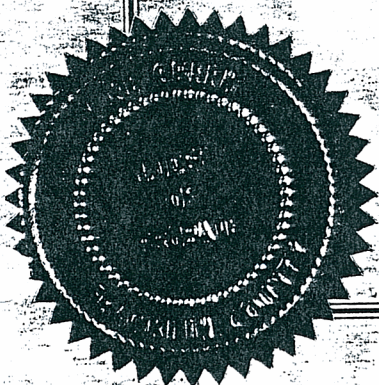
The above Oath of Office was subscribed and sworn to before me this 4th day of October, 2004.

Mike Green

Signature of Administering Officer

Probate Judge

Title





# Oath of Office

I, Rayford Seahorn, solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability. So help me God.

Rayford Seahorn  
Signature

City Council Place 2

Office

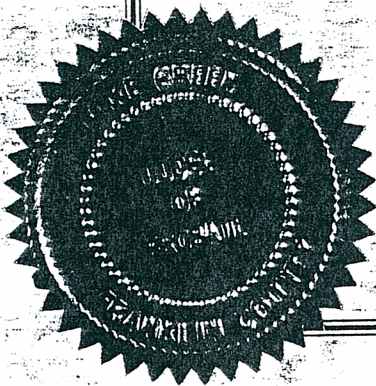
## Certification of Administering Officer

The above Oath of Office was subscribed and sworn to before me this 4th day of October, 2004.

Mike Green  
Signature of Administering Officer

Probate Judge

Title



Recorded in MISC BK 8 Pg 11, 10/08/2004 10:00:28 AM  
Mike Green, Probate Judge, Franklin County, Alabama

# Oath of Office

I, Pat Hammock, solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability. So help me God.

Pat Hammock

Signature

City Council Place 3

Office

## Certification of Administering Officer

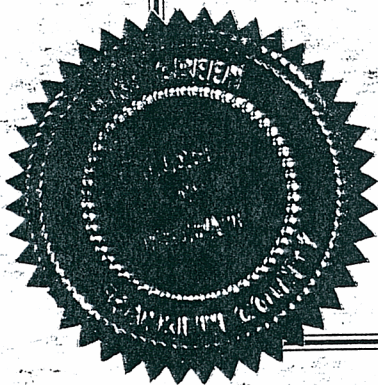
The above Oath of Office was subscribed and sworn to before me this 4th day of October, 20 04.

Mike Green

Signature of Administering Officer

Probate Judge

Title



Recorded In Misc BK 8 Pg 12, 10/08/2004 10:01:00 AM  
Mike Green, Probate Judge, Franklin County, Alabama



# Oath of Office

I, Ann Wilkins, solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability. So help me God.

Ann Wilkins

Signature

City Council Place 4

Office

## Certification of Administering Officer

The above Oath of Office was subscribed and sworn to before me this 4th day of October, 20 04.

Mike Green

Signature of Administering Officer

Probate Judge

Title



Recorded in MISC BK 8 Pg 13, 10/08/2004 10:01:30 AM  
Mike Green, Probate Judge, Franklin County, Alabama

# Oath of Office

I, Jeff Reid, solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability. So help me God.



Signature

City Council Place 5

Office

## Certification of Administering Officer

The above Oath of Office was subscribed and sworn to before me this 4th day of October, 20 04.



Signature of Administering Officer

Probate Judge

Title

